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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/039,414	01/04/2002	Paul A. Levine	A01P1066US01	1590
7590 09/21/2004		EXAMINER		
PACESETTER, INC.			BOCKELMAN, MARK	
15900 Valley View Court Sylmar, CA 91392-9221			ART UNIT	PAPER NUMBER
			3762	
1			DATE MAILED: 09/21/2004	4 .

Please find below and/or attached an Office communication concerning this application or proceeding.

This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-45 is/are pending in the application. 4a) Of the above daim(s) 21-40 is/are withdrawn from consideration.  5) Claim(s)			A /
Examiner    Mark W Bockelman   3762   3762	AND THE STATE OF T	Application No.	Applicant(s)
Mark W Bockelman   3762		10/039,414	LEVINE ET AL.
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tion may be available under the previous of 3° CFR 1.13(do). In no event, however, may a reply be timely filled in the proof of tion may be available under the previous of 3° CFR 1.13(do). In no event, however, may a reply be timely filled in the previous of timely previous of 3° CFR 1.13(do). In no event, however, may a reply be timely filled in the previous of the previous of 3° CFR 1.13(do). In no event, however, may a reply be timely filled in the previous of the previous of 3° CFR 1.13(do). In no event, however, may a reply be timely filled in the previous of 3° CFR 1.13(do). In the previous of 3°	Office Action Summary	Examiner	Art Unit
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extension of their may be arribated under the previous of 37 Period (1.35(a)). In no event, however, may a reply be timely filed  - Extension of their may be arribated under the previous of 37 Period (1.35(a)). In no event, however, may a reply be timely filed  - Extension of their may be arribated under the previous of 37 Period (1.35(a)). In no event, however, may a reply be timely filed  - Extension of their may be arribated under the previous of 37 Period (1.35(a)). In one event, however, may a reply be timely filed  - If NO period for reply is pecified above, the maximum statulory period will apply and will expire SIX (8) MON HIS from the mailing date of this communication.  - If NO period for reply is pecified above, the maximum statulory period will apply and will expire SIX (8) MON HIS from the mailing date of this communication.  - Any reply received by the Cific later than three mancine dater the mailing date of this communication, even if timely filed, may reduce any events placed to the communication of the communication is considered to the communication is considered in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-45 is/are pending in the application.  - 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.  - 5   Claim(s) 1-20 and 41-45 is/are rejected.  - 7   Claim(s)   1-20 and 41-45 is/are rejected.  - 8   Claim(s) 1-20 and 41-45 is/are rejected.  - 9   The specification is objected to by the Examiner.  Application Papers  9   The specification is objected to by the Examiner.  - Application Papers  9   The drawing(s) filed on   is/are: a)   accepted or b)   objected to by the Examiner.  - Application Papers  9   The drawing(s) filed on   is/are: a)   accepted or b)   objected to by the Examiner.  - Application Papers  - 10   Notice of the priority documents have been received in Application		Mark W Bockelman	3762
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS GOOMMUNICATION.  Elementor of time may be available used the provious of 3 OFR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply specified shows the less than thirty (20) days, a reply within the statulatory minimum of thirty (30) days will be considered timely.  If the period for reply specified shows the translation of 3 OFR 1.136(a), a reply within the statulatory minimum of thirty (30) days will be considered timely.  If the period for reply specified shows the maximum statulatory period will day be 500 (MONTHS from the maining date of this communication.  Failure to reply within the set or extended period for reply will, by statulating enter of the communication to become ABANDONED (30 U.S.C.§ 133).  Second of the set of the second patent turn adjustment. See 37 OFR 1.704(b).  Status  1)  Responsive to communication(s) filed on 24 June 2002.  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-45 is/are pending in the application.  4a) Of the above daim(s) 21-40 is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are objected to by the Examiner.  The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The drawing(s) filed on is added to the priority documents have been received in Application No.  2 Ce		pears on the cover sheet with th	ne correspondence address
THE MAILING DATE OF THIS COMMUNICATION.  Exemisor of time may be available under the provision of 37 CFR 1.13(c). In on event, however, may a reply be timely filed after SX (5) MORTHS from the mailing date of this communication.  **To print of time may be available under the provision of 37 CFR 1.13(c). In on event, however, may a reply be timely filed after SX (5) MORTHS from the mailing date of this communication.  **To print of reply is specified above, the maximum challes yet printed wiley and will eging FX (6) MORTHS from the mailing date of this communication.  **Failure to reply within the set or extended period for reply veil, by estimate, cause the application to become MANDONED (55 U.S. 6, 133). Any reply received by the Office store than there monities after the mailing date of this communication, even it timely filed, may reduce any occurred patent term adjustment. See 37 CFR 1.73(b).  **This action is FINAL.  **DISON This action is non-final.  31 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  41 Claim(s) 1-45 is/are pending in the application.  4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.  51 Claim(s) 1-20 and 41-45 is/are rejected.  75 Claim(s) 1-20 and 41-45 is/are rejected.  76 Claim(s) 1-20 and 41-45 is/are rejected.  77 Claim(s) 3 is/are abjected to by the Examiner.  100 The drawing(s) filed on 1 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  **Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  21) Acknowledgment is made of a claim for foreign priority documents have been received.  22 Certified copies of the prio		Y IS SET TO EXPIRE 3 MON	TH(S) FROM
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a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Priority under 35 U.S.C. § 119		
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Application/Control Number: 10/039,414

Art Unit: 3762

## **DETAILED ACTION**

## Election/Restrictions

Applicant's election without traverse of claims 1-20, 41-45 in the reply filed on 6-24-2004 is acknowledged.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20, 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Sholder et al USPN 5,814077 or Kristall et al USPN 5,374,281. Both references detect and AV intervals by lengthening the hystersis Av delay interval until a predetermine percentage, namely 100% (1 of 1) of the events are detected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W Bockelman whose telephone number is (703)-308-2112. The examiner can normally be reached on Monday - Thursday 10-8:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**MWB** 

September 19, 2004

Mark Bookelman Mark Bookelman